

# BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza  
New York, NY 10111

T 212.589.4200  
F 212.589.4201  
[www.bakerlaw.com](http://www.bakerlaw.com)

Edward J. Jacobs  
direct dial: 212.589.4674  
[ejacobs@bakerlaw.com](mailto:ejacobs@bakerlaw.com)

February 29, 2016

## VIA ECF AND ELECTRONIC MAIL

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408  
[Bernstein.chambers@nysb.uscourts.gov](mailto:Bernstein.chambers@nysb.uscourts.gov)

*Re: Picard v. Helene Saren-Lawrence, Adv. Pro. No. 10-04898 (SMB);  
Picard v. Gertrude Alpern Revocable Trust, Adv. Pro. No. 10-04327 (SMB);  
Picard v. Barbanel, Adv. Pro. No. 10-04321 (SMB);  
Picard v. Robert Roman, Adv. Pro. No. 10-04292 (SMB);  
Picard v. Joan Roman, Adv. Pro. No. 10-04302 (SMB);  
Picard v. Barbanel, Adv. Pro. No. 10-04321 (SMB);  
Picard v. Roth, Adv. Pro. No. 10-04324 (SMB);  
Picard v. David Shapiro Nominee, Adv. Pro. No. 10-04328 (SMB);  
Picard v. David Shapiro Nominee # 2, Adv. Pro. No. 10-04325 (SMB);  
Picard v. David Shapiro Nominee # 3, Adv. Pro. No. 10-04314 (SMB);  
Picard v. David Shapiro, et al., Adv. Pro. No. 10-04305 (SMB)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* and the estate of Bernard L. Madoff. We write in response to Ms. Chaitman’s letter dated February 29, 2016, which was filed in the above-referenced matters.<sup>1</sup>

---

<sup>1</sup> Ms. Chaitman’s continued disregard for the rules and procedures of the Court have again resulted in this letter being improperly before the Court in the above-referenced cases. Additionally, the Trustee has cause to question the circumstances under which Ms. Chaitman brings this application on behalf of Defendant, Barbara Roth, Adv. Pro. No. 10-04324, for whom Ms. Chaitman has filed an application to be relieved as counsel on the basis that she has been unable to communicate with Ms. Roth. *See Ex. A.* Meanwhile, Ms. Roth has since attempted to contact counsel for the Trustee on three occasions, claiming to be unrepresented. *See Ex. B.*

February 29, 2016  
Page 2

The Trustee views Ms. Chaitman's letter as frivolous and fraught with misrepresentations concerning events of which the Court is aware. Accordingly, we believe that neither a response nor a hearing is necessary. To the extent the Court is inclined to have a hearing, the Trustee requests that it be addressed on the record during tomorrow's conference previously scheduled in *Picard v. Saren-Lawrence* so that the record is clear for the parties and all third-party banks and/or counsel that Ms. Chaitman has contacted in connection with pending subpoenas.

Respectfully submitted,

*/s/ Edward J. Jacobs*

Edward J. Jacobs

Enclosures

cc: Helen Davis Chaitman (hchaitman@chaitmanllp.com)  
Chaitman, LLP  
465 Park Avenue  
New York, New York 10022